

Category: 8000 STUDENTS	Policy Number: 8627 (Page 1 of 3)
Policy Title: SECTION 504	Effective Date: April 11, 2017
<p>The Snake River School District No. 52 will not discriminate against any student who:</p> <ol style="list-style-type: none"> 1. Has a physical or mental impairment that substantially limits one or more major life activities; 2. Has a record of impairment; or 3. Is regarded as having an impairment. <p>The School District will identify, locate, evaluate, and provide appropriate educational services to students with disabilities who are determined to need regular or special education and related aids and services designed to meet individual educational needs as adequately as the needs of nondisabled students are met. A student who may need special services or programs pursuant to Section 504 is one who has a physical or mental impairment that substantially limits a major life activity. Such identified services constitute a free appropriate public education (FAPE) pursuant to the provisions of Section 504 of the Rehabilitation Act of 1973 (Section 504).</p> <p>Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under district policy and under state and federal laws and regulations (see Policy No. 6774, Special Education (IDEA)).</p> <p>SECTION 504 IDENTIFICATION AND REFERRAL PROCESS</p> <p>Any student who needs or is believed to need special education or related aids and services not available through existing programs in order to receive FAPE may be referred by a parent/guardian, teacher, or other certificated school employee to the 504 team for identification and evaluation of the student's individual educational needs.</p> <p>The 504 team will be composed of persons knowledgeable about the student, the meaning of evaluation data, and the placement options. Each building principal will monitor the composition of the 504 team to ensure that qualified personnel participate.</p> <p>The 504 team will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the 504 team will inform the parent/guardian of this decision and of their procedural rights.</p> <p>EVALUATION PROCESS</p> <p>An evaluation is the initial step in determining whether and to what extent regular education or special education and related aids and services are necessary to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. An evaluation of a student and formulation of a 504 plan for educational services will be carried out by the 504 team according to the following procedures:</p> <ol style="list-style-type: none"> 1. An initial (preplacement) evaluation will occur within a reasonable period of time only after receiving parent/guardian written consent. 2. The 504 team will evaluate the nature of the student's disability and the impact of the disability upon the student's ability to participate in or benefit from the district's educational programs. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities. 3. The 504 team shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians; observations from parents/guardians, teachers, and/or school personnel; results of standardized aptitude and achievement tests; comprehensive assessments conducted by this district's professional staff; and other relevant evaluation material, as appropriate. The information will also include consideration of the student's behavior. 4. The 504 team will not consider mitigating measures when determining whether a student's condition substantially limits a major life activity. Ordinary eyeglasses and contact lenses are not considered mitigating measures. <p style="text-align: center;">Snake River School District 52, 103 South 900 West, Blackfoot, Idaho 83221</p>	

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In order to ensure that the 504 team's interpretation of evaluation data and placement decision is consistent with federal law, the 504 team shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Document that the information obtained from all sources is carefully considered;
3. Ensure that the 504 team's placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision provides appropriate academic and nonacademic settings.

No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the 504 team without first inviting the parent/guardian of the student to participate in a meeting concerning such determination.

The determination of whether an impairment exists, and whether it substantially limits a student's major life activity will be made on an individualized basis. A final decision will be made by the 504 team in writing, which shall be provided to, the parent/guardian of the student, along with notifying the parent/guardian of the Section 504 procedural safeguards available to him/her, including the right to an impartial hearing and review.

A periodic reevaluation of a student with a disability will occur. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. A proposal to subject a student on a 504 plan to a significant change in placement (including certain disciplinary removals) triggers the obligation to reevaluate.

504 PLAN FOR SERVICES

For a student who has been identified as disabled within the meaning of Section 504, the 504 team shall be responsible for determining what, if any, educational services are needed. In making such determination, the 504 team shall consider all available relevant information, drawing upon a variety of sources, as set forth in the Evaluation section of this policy. The 504 team will also consider any mitigating measures that may be used by a student in determining whether a 504 plan is needed.

The parent/guardian shall be invited to participate in 504 team meetings where services for the student will be determined and will be allowed the opportunity to provide input. The parent/guardian will be given an opportunity to examine all relevant records.

The 504 team will develop a written plan which will set forth the special education or related aids and services needed. The plan will specify how the special education and related aids and services will be provided.

The team may also determine that no special education or related aids and services are appropriate. If so, the record of the 504 team proceedings will reflect the identification of the student as a disabled person and the basis for the decision that no special services are presently needed. A student determined to have a disability under Section 504, but who is not in need of additional educational services will not be discriminated against, and will have all procedural safeguards available to a student on a 504 plan.

A disabled student shall be placed in the regular educational environment of the district, with the use of the supplementary aids and services as determined appropriate by the 504 team, unless the district demonstrates that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The 504 team shall notify the parent/guardian in writing of its final decision concerning the services to be provided.

All teachers of students with disabilities, and other staff members as appropriate, shall be provided with information in sufficient detail to address the individual needs of each student with a disability.

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REVIEW OF THE STUDENT’S PROGRESS

The 504 team will monitor the progress of the disabled student and the effectiveness of the student’s education plan periodically to determine whether the regular education, special education or related aids and services are appropriate and necessary, and that the disabled student’s needs are being met as adequately as the needs of non-disabled students are met.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student’s needs will be conducted by the 504 team.

DISCIPLINE

When disciplining a student determined to have a disability pursuant to Section 504, Policy 8080, “Disciplining Students with Disabilities” will apply.

EXTRACURRICULAR ACTIVITIES

Students with disabilities will be afforded an equal opportunity for participation in extracurricular activities and nonacademic services to the maximum extent appropriate. Should a qualified student choose to participate in an activity, the 504 team will determine whether supplementary aids and services (accommodations) are necessary for participation. In the event a student cannot participate in an activity even with supplementary aids and services (accommodations), the district may deny the student’s participation in the activity.

PROCEDURAL SAFEGUARDS

Parents/guardians shall be notified in writing of all 504 team decisions concerning the identification, evaluation, or educational placement of their child made under this policy.

Parents/guardians shall be notified that they may examine relevant education records of their child.

Parents/guardians shall have the right to request an impartial hearing and be represented by legal counsel regarding any decision related to the identification, evaluation or educational placement of their child.

The request for a hearing shall be made in writing and addressed to:

Section 504 Compliance Officer
Snake River School District No. 52
103 South 900 West
Blackfoot, ID 83221
Phone : (208) 684-3001
Fax: (208) 684-3003

The hearing will be held in accordance with Policy No. 8627P1, Section 504: Hearing Procedures.



LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973, 34 CFR Part 104
Americans with Disabilities Act Amendment Act (ADAAA), 28 CFR Part 35

ADOPTED: 01/28/2015
AMENDED: 04/11/2017

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Policy Title: Section 504: Notice of Rights	Effective Date: April 11, 2017

Snake River School District No. 52
Section 504 of the Rehabilitation Act of 1973
Notice of Rights to Identification, Evaluation, and Placement

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his or her disability.
2. Have the school district advise you of your rights under federal law. The purpose of this Notice is to advise you of those rights.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education (FAPE). This includes the right to be educated with nondisabled students to the maximum extent appropriate.
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
6. Have your child receive regular or special education and related aids and services if he or she needs such services.
7. Have identification, evaluation, and placement decisions made based upon a variety of information sources and by persons who know your child, the evaluation data, and the service options.
8. Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of nondisabled students.
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement services.
11. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records.
12. Request amendments of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it will notify you within a reasonable amount of time and advise you of the right to a hearing.
13. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. You and your child may take part in the hearing and have an attorney represent you. Hearing requests must be made to the Individual identified below. If you disagree with the decision, you have a right to a review.

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14. File a grievance following the school district grievance procedure on matters other than your child’s identification, evaluation, and placement.
15. File a complaint with the Office for Civil Rights, 915 2nd Avenue, Room 3310, Seattle, WA 98174-1099.

The person in this district who is responsible for assuring that the district complies with Section 504 is:

Section 504 Compliance Officer
Snake River School District No. 52
103 South 900 West
Blackfoot, ID 83221
Phone : (208) 684-3001
Fax: (208) 684-3003



LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973
29 USC 794
34 CFR Part 104
Family Educational Rights and Privacy Act (FERPA)
20 USC 1232g
34 CFR Part 99

NOTE: Section 504 requires a system of procedural safeguards that includes notice to the parents; however, no timelines are set forth. By following the annual notification requirements set forth under the IDEA, the district fulfills its notice obligations under Section 504 as well. (The district must provide a Section 504 specific statement.) In addition, parents/guardians must be provided written notice any time the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student.

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<p>Snake River School District No. 52 has the responsibility to identify, evaluate, and provide appropriate educational services to eligible students attending this district's schools who have a physical or mental impairment that substantially limits one or more major life activities so that they may receive a free appropriate public education (FAPE) as required by Section 504 of the Rehabilitation Act of 1973.</p> <p>An impartial hearing procedure is available to students and their parent/guardian to resolve differences dealing with educational services available under Section 504 when such differences cannot be resolved by means of a less formal procedure.</p> <p>The hearing procedures set forth in this policy apply to the identification, evaluation, or educational placement of a student who is identified as having a disability pursuant to Section 504.</p> <p>HEARING PROCEDURES</p> <p>Within twenty (20) calendar days of the parent/guardian's receipt of notice of the 504 team's decision, a Section 504 impartial hearing may be requested by the parent/guardian of the affected student on matters directly related to the school district's decisions or actions regarding the following:</p> <ol style="list-style-type: none"> 1. The identification of the student as disabled or eligibility of the student for services under Section 504. 2. The evaluation procedures utilized with the student, including a decision not to evaluate a student. 3. The educational placement and/or related aids and services recommended for or provided to the student, including any change in placement as a result of disciplinary action. <p>In the event a hearing has been held, or is pending, pursuant to the provisions of the Individuals with Disabilities Education Act (IDEA) on any of the issues currently being alleged by the parent/guardian, no hearing officer will be appointed and no hearing will be held on like issues pursuant to this policy. An IDEA hearing that is resolved by a decision or dismissed with prejudice shall resolve any like issues for which a Section 504 hearing has been requested.</p> <p>All requests for a Section 504 hearing under this policy must:</p> <ol style="list-style-type: none"> 1. Be submitted in writing and addressed to the district's Section 504 Compliance Officer. 2. Describe the specific nature of the dispute. 3. State the proposed specific relief or remedy requested. 4. Provide any other information the parent/guardian believes is important to understanding the dispute. <p>If the request does not include all of the required information, it may be returned to the grievant within ten (10) school days of receipt by the Section 504 Compliance Officer with a request to provide the missing information within five (5) school days from the date of receipt. The remaining procedures will be suspended and the timelines will not run until the additional information is received.</p> <p>The Section 504 Compliance Officer will select an impartial hearing officer within fifteen (15) calendar days of receipt of the request for a Section 504 hearing. The selected hearing officer will:</p> <ol style="list-style-type: none"> 1. Be qualified to review school district decisions relating to Section 504. 2. Be impartial and unbiased. 3. Not be an employee of the school district. <p>The hearing procedure will be presided over and decided by the appointed impartial hearing officer, but shall be limited as follows:</p> <ol style="list-style-type: none"> 1. The hearing is limited to facts within two (2) years of the date the parent/guardian knew or should have known about the alleged actions or facts that form the basis of their claims. <p style="text-align: center;">Snake River School District 52, 103 South 900 West, Blackfoot, Idaho 83221</p>	

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<p>2. The hearing officer’s procedures will conform to the standard of “fundamental fairness.” The Administrative Procedures Act (APA) and IDEA procedures shall not apply to the hearings.</p> <p>3. The issues of the hearing will be limited to those specifically raised in the written request for hearing.</p> <p>4. The party requesting the due process hearing shall carry the burden of proving the claims asserted.</p> <p>The selected hearing officer will notify the parties in writing of the date of the hearing. The parent/guardian and the school district will be given at least ten (10) calendar days notice of the date of the hearing. The notice from the appointed hearing officer will contain:</p> <ol style="list-style-type: none"> 1. A statement of the time, place, and nature of the hearing. 2. A statement of the legal authority and jurisdiction under which the hearing is being held. 3. A statement of the availability of relevant records for examination. 4. A concise statement of the issues in dispute. 5. A statement setting forth the right of the student’s parent/guardian to participate in the hearing procedure. 6. A statement of the right to be represented by counsel at the expense of each respective party. <p>All written correspondence will be provided in English and/or in the parent/guardian’s primary language.</p> <p>The hearing will be conducted and a written decision will be mailed by the hearing officer to all parties within forty-five (45) calendar days from the date of the hearing assignment. However, either party to the hearing may request a continuance. The continuance may be granted by the hearing officer upon a showing of good cause. Any continuance(s) granted by the hearing officer will extend the time for rendering a final hearing decision for a period equal to the length of the continuance(s).</p> <p>The appointed hearing officer will preside at the hearing and will conduct the hearing proceedings in a manner that allows all parties the following rights:</p> <ol style="list-style-type: none"> 1. The right to be represented by counsel at the expense of each respective party. 2. The right to present evidence and oral arguments. 3. The right to examine witnesses. 4. The right to an electronic verbatim record of the hearing. 5. The right to written findings of fact and a decision on the matter. <p>The parent/guardian involved in the hearing process has the right to:</p> <ol style="list-style-type: none"> 1. Have the student present at the hearing. 2. A closed hearing, unless the parent/guardian elects to open the hearing to the public. <p>In cases where there are language differences, an interpreter will be provided by the school district.</p> <p>The appointed hearing officer will review all relevant facts presented at the hearing and will determine whether the decisions regarding the child’s identification, evaluation, educational program, or placement were appropriate. The hearing officer will have the authority to uphold, reverse, or modify the school district’s decisions or actions with regard to:</p> <ol style="list-style-type: none"> 1. The identification of the student as disabled, or eligibility of the student for services under Section 504. 2. The evaluation procedures utilized with the student, including a decision not to evaluate a student. 3. The educational placement and/or related aids and services recommended for or provided to the student. <p>DECISION OF THE HEARING OFFICER</p> <p>A copy of the hearing officer’s findings of fact and decision will be delivered to the school district and the parent/guardian within sixty (60) calendar days from the date of the assignment of the hearing officer, unless a continuance is granted.</p>	
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The decision of the hearing officer is binding on all parties concerned and the aggrieved party has the right to request a review of the hearing officer's decision.

RECORD OF THE HEARING

An electronic verbatim recording of the Section 504 hearing will be on file at the school district's administration office and will be available for review upon request by the parent/guardian.

REVIEW PROCEDURE

An aggrieved party may petition for review of the hearing officer's decision. A request for review must:

1. Be made in writing and addressed to the Section 504 Compliance Officer, including a copy for the opposing party.
2. Contain specific objections to the findings of fact and/or conclusions of law believed to be erroneous.
3. Be filed within fifteen (15) calendar days of receipt of the hearing officer's decision.

The Section 504 Compliance Officer shall determine whether the petition for review contains all of the required information with ten (10) calendar days from its receipt. If it is determined the petition does not contain all of the required information, the petition will be returned, and the party petitioning for review will have an additional five (5) school days in which to remedy the defect.

Upon filing of a petition to review the hearing officer's decision, the district shall appoint a Review Officer who does not have a direct interest in the outcome of the decision and is knowledgeable about Section 504 education matters. The impartial Review Officer shall not hear additional evidence except in the case of a showing of extraordinary circumstances necessitating an additional hearing, but shall be limited to review the evidence and the record of the hearing conducted by the hearing officer and the objections of the appealing party. The Review Officer shall render a decision within sixty (60) calendar days following the request for review as to whether the hearing officer's decision shall stand or shall be overturned.

If a hearing and/or oral argument are determined necessary by the Review Officer in order to conduct a review of the proceedings, the Review Officer shall give reasonable notice to both parties of the date, time, and location of the hearing. Whether a hearing and/or oral argument are necessary shall be left solely to the discretion of the Review Officer and neither party shall have the right to request a hearing and/or argument. The parties may be represented by counsel at any hearing requested by the Review Officer, at the expense of the respective parties.

The written decision of the Review Officer shall be based solely on the evidence presented and the applicable law, and shall contain reasons for the decision. The decision of the Review Officer shall be the final decision.

In addition to requesting a hearing, a parent/guardian may file a complaint with the Office for Civil Rights, 915 2nd Avenue, Room 3310, Seattle, WA 98174-1099.

The person in Snake River School District No. 52 who is responsible for assuring that the district complies with Section 504 is:

Section 504 Compliance Officer
Snake River School District No. 52
103 South 900 West
Blackfoot, ID 83221
Phone: (208) 684-3001
Fax: (208) 684-3003

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LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973
29 USC Chapter 16
34 CFR Part 104.36

ADOPTED: 01/28/2015

AMENDED: 04/11/2017

Section 504 does not set forth any timelines for the hearing or review process. The timelines set forth in this policy are suggestions and may be modified so long as the timelines are reasonable.